

Hallauer, Lori

From: Jim Ford [jf@mtenvironmentaltrust.org]
Sent: Friday, April 12, 2013 2:59 PM
To: Burns, Betsy
Cc: Figur, Charles; Denise Kirkpatrick (MDEQ); Breeden, Randy; Cindy Brooks (METG); Marc Weinreich (METG)
Subject: East Helena - February 2013 RCRA Report
Attachments: East Helena - February 2013 RCRA Monthly Progress Report.pdf

Betsy,

Please find attached the February 2013 RCRA Monthly Progress Report for the former Asarco site in East Helena, Montana. A hard copy of the report has been sent to you via Certified Mail.

Please feel free to contact me with any questions.

Sincerely,

Jim Ford

Jim Ford
East Helena Remedial Project Manager
Montana Environmental Trust Group, LLC (METG)
Trustee of the Montana Environmental Custodial Trust
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Montana Environmental Trust Group, LLC
Trustee of the Montana Environmental Custodial Trust
PO Box 1230, East Helena, Montana 59635
Telephone: (406) 227-1242

April 12, 2013

Betsy Burns
RCRA Project Officer
EPA Region VIII
Montana Office
10 West 15th St., Suite 3200
Helena, MT 59626

RE: Consent Decree Civil Action No. CV 98-3-H-CCL East Helena Site Work Performed During February 2013

Dear Ms. Burns:

The Montana Environmental Trust Group, LLC, Trustee of the Montana Environmental Custodial Trust (the Custodial Trust), hereby submits the attached monthly progress report for the month of February 2013 to the US Environmental Protection Agency (EPA). The enclosed report was prepared pursuant to the requirements of Section 86 and other applicable provisions of the First Modification of the Consent Decree (No. CV 98-3-H-CCL) entered on US Federal District Court (Montana) in 2012.

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**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site
February 2013**

#	Topics & Subtasks	Date(s)	Major Activities ¹
I. RCRA Corrective Action			
A. Investigations, Studies, Analyses and Data Collection			
1.	Phase II RFI	During Period	No significant Phase II RFI activities occurred during the reporting period.
2.	FSAP	During Period	2012 data was being analyzed and the results of the analysis were used in development of the draft 2013 FSAP which is anticipated to be available for review and April.
3.	Risk Assessment	During Period	No significant risk assessment activities occurred during the reporting period.
4.	Upper Lake Aquifer Test	During Period	Monitoring of groundwater elevations and water quality impacts from the Upper Lake Test continued during the reporting period.
5.	GW Model	During Period	Work scope development for 2013; Continued reviewing results of predictive simulations (modeling the PPC Bypass in and Smelter Dam removed) provided by NewFields against field-measured water levels in support of the SPHC IM.
6.	Database Management	During Period	Linda Tangen continued entry of the October and November 2012 EH data.
7.	Project Management	During Period	Received Beneficiary approval of Final 2013 EH Budget. Reviewed and approved initial 2013 CH2M Hill POs/SOW, Hydrometrics CM/SOW and other contractors SOW during the reporting period.
B. Interim Measures			
1.	SPHC IMs	During Period	Continued development of Hydraulic Analysis Existing Conditions (HEC-RAS modeling, sediment transport, etc.) for 30% Draft PPC Realignment Design submittal.
		During Period	<ul style="list-style-type: none"> • Receive DEQ 318 permit and IMWP 2013 approval • CT has approved bidder list and bid documents for PPC Temporary Bypass • PPC Temporary Bypass RFP issued for Bid on 2/14/13 • PPC Temporary Bypass bid walk completed on 2/27/13
		During Period	<ul style="list-style-type: none"> • Coordination with PTS on development of design criteria; • Reviewed Existing Hydraulic Conditions TM; • Reviewed Channel Stability Analysis TM
		During Period	<ul style="list-style-type: none"> • Continued work on Existing Hydraulic Conditions TM.
		During Period	<ul style="list-style-type: none"> • Coordinated with Karin Boyd in support of fluvial geomorphic analysis and interpretation of November 2012 data and quantitative channel stability results; • Continued work on Draft Sediment continuity analysis of existing conditions; • Continued Development of Engineering Criteria

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		During Period	<ul style="list-style-type: none"> Completed sr. internal technical review of PTS' Hydrology tech memo; Combined CH's comments on the Hydrology TM with CCI's comments, and reviewed for consistency. Working on draft Tech Memos Hydraulics TM to be reviewed after hydrology TM Scheduling for agency reviews Test Pits – PTI evaluation conclusion - formal COE authorization or authorize under JA 1 work associated with physical PPC Bypass work. GW Modeling for PPC realignment design – Newfields continues work. Field investigations for test pits. COE approval on test pits and housekeeping Completed sr. technical review of Channel Stability Analysis TM; coordinated additional test pits w/HYD, incl. permit requirements; Design criteria meeting and results compilation in collaboration with PTS; Integrated results of Hydraulics TM and Channel Stability Analysis TM into geomorphic design criteria. Reviewed Channel Stability Analysis TM. Coordinated with Karin Boyd to support fluvial geomorphic analysis and interpretation of November 2012 data and quantitative channel stability results; Continued development of engineering criteria; Continued development of channel realignment design for 30% submittal; Revised Hydrology Calc summary, and responded to reviewer comments on QRF form; Submitted revised Hydrology Calc summary and response comments; Submitted Preliminary PPC realignment corridor DTM surfaces and PDF drawings to support groundwater analyses by HYD and NewFields.
		During Period	<p>Utility Relocation</p> <ul style="list-style-type: none"> Confirmed NW energy work on distribution line scope NWE moving forward but no costs or schedule impacts identified yet Review alignment options CH to prepare SOW
		During Period	<p>COEH Waterline</p> <ul style="list-style-type: none"> COEH waterline Bid Services- receive bids and begin evaluation MMI - Received ROW maps from BNSF and have contacted their agent requesting deed information COEH Waterline Bid Services- Evaluation of bidders, and follow-up responses. COEH Waterline Detailed Engineering- Team coordination; MMI drafted RR crossing application,

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site
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			<p>continued research w/ BNSF on ROW issue.</p> <ul style="list-style-type: none"> • Obtain Helena Sand and Gravel (HSG) H&S waiver due to OSHA citations • Jack and bore issues resolved with HSG • HSG H&S waiver in place • Draft SOW being prepared • Prepared and issued COEH waterline and BNSF easement info • Meeting with COEH on 2/20/13 • COEH and CT approval of HS&G bid on 2/19/13 • Development of construction SOW
2.	ET Cover System IMs	2/1/13	CT personnel toured the Phase 2 demolition area with MMI and Mark Rhodes.
		2/8/13	CT personnel met with CH2MHill to discuss Phase 2 demolition planning.
		During Period	<ul style="list-style-type: none"> • Kicked off ET cover test plot design • Evaluating criteria for test plot • Location of test plots and equipment that will be needed • Looking at lead times for equipment • 30% design starts early March
		During Period	<p>Phase 1 Demo</p> <ul style="list-style-type: none"> • Envirocon Subcontract signed by both parties. NTP issued to begin planning documents and permits • Have discussion with Envirocon related to Phase 1 demo construction activities. • CH Kickoff meeting • Kick off meeting with Envirocon • Kick off meeting and chartering (CH) • Continue work on Construction Quality Plan • Complete Submittal Register • Site walk with Envirocon on 2/14/13 • Preparing Planning Documents • Weekly coordination calls with Envirocon
		During Period	<p>Phase 2 Demo</p> <ul style="list-style-type: none"> • Team coordination, issued 30% package for internal review (MMI & HI continue w/ engineering during the review), • Continued review and development of front-end docs (general, special provisions, and RFP docs),

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site
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#	Topics & Subtasks	Date(s)	Major Activities ¹
			<ul style="list-style-type: none"> Weekly status meeting, Begin preparation of 90% documents 90% internal review
3.	Source Removal IMs	During Period	<ul style="list-style-type: none"> Continued with follow-up activities to 1/18 presentation of 2012 work on the Source Removal Decision Model. Continued with planning of upcoming source removal evaluations, to include additional MVS modeling and sitewide CSM work. Continued coordination with NewFields on the groundwater flow model activities. Predictive simulations in support of the SPHC IM included modeling the PPC Bypass in and Smelter Dam removed. Continued with follow-up activities to 1/18 presentation of 2012 work on the Source Removal Decision Model, including review of MVS model assignment of non-detected concentrations. Reviewed internal draft of the Remedy Performance Standards/Media Cleanup Objectives TM, and PPT presentation on the overall approach to the Soil CMS. Continued reviewing results of predictive simulations (modeling the PPC Bypass in and Smelter Dam removed) provided by NewFields against field-measured water levels in support of the SPHC IM. Revised draft Remedy Performance Standards/Media Cleanup Objectives TM, and PPT presentation on the overall approach to the Soil CMS based on internal review comments. Started MVS model verification process on kriged results. Started preparing site-wide CSM. Continued reviewing results of predictive simulations (modeling the PPC Bypass in and Smelter Dam removed) provided by NewFields against field-measured water levels in support of the SPHC IM. Planned Tito park grading evaluation Continued on MVS model verification process on kriged results, and preparing site-wide CSM. Re-initiated efforts to complete the Tito Park CSM. Continued reviewing results of predictive simulations (modeling the PPC Bypass in and Smelter Dam removed) provided by NewFields against field-measured water levels in support of the SPHC IM.
4.	IM Work Plans	2/1/13	<ul style="list-style-type: none"> Received EPA's conditional approval of IMWP 2013.
		During Period	<ul style="list-style-type: none"> Start planning for 2014 IMWP once 2014 SOW is defined
5.	RCRA Team Support	During Period	No significant RCRA team support activities occurred during the reporting period.
6.	General (Programmatic) IMs	During Period	Conducted weekly project review meetings with CT
		During	<ul style="list-style-type: none"> Completed team discussion of MPDES memo and planned next steps.

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site
February 2013**

#	Topics & Subtasks	Date(s)	Major Activities
		Period	<ul style="list-style-type: none"> Communicated plans for distribution line relocation with NW Energy. Received revised NW Energy proposal for completing engineering and construction of the relocated distribution line Continue evaluation of water requirements for HDS and options for supply post COEH waterline disconnect
		During Period	Update the plant water needs tech memo and submit to CT. Create a water usage table based on project and year.
7.	Project Management	During Period	<ul style="list-style-type: none"> Project control meeting on 2/22 Project review on 2/22 Risk Management Plan updated and submitted for review Begin update of project staffing spreadsheet Project Management Plan update completed for team use Team chartering Feb 28 Prepared updated Master Project Schedule; issued for CT review Hold Task Lead weekly meeting to discuss work item progress, schedule, financial status, and critical pathways
8.	Permitting	During Period	No significant permitting activities occurred during the reporting period.
C.	CMS		
II. Beneficiary/Stakeholder Communications			
A.	Beneficiary Communications	During Period	No significant stakeholder communication activities occurred during the reporting period.
B.	Stakeholder Communications	2/11/13	Met with COEH Mayor and City Engineer to review bids for the COEH Water Main Project.
III Site Management & Operations			
A.	Site-Wide Health & Safety/Regulatory Compliance	2/14/13	MDEQ (Peter Boettcher) performed an inspection of the HDS MPDES permit and the Storm Water permit.
		During Period	<ul style="list-style-type: none"> EH personnel completed weekly and monthly inspections of health and safety systems, CAMU #1 and #2 liners, temporary liners, natural gas hoses and hazardous waste roll-offs. EH personnel removed debris from Smelter Dam and the diversion structure.
B.	Site Security	2/5/13	EH personnel began alarming the intruder alarms and dialers in the HDS plant and the warehouse.
C.	Plant Operations	2/1/13	Dan Maness set up and configured the auto dialer for intruder, H2S gas and safety showers in the HDS plant.
		2/5/13	EH personnel repaired a water leak under the modular office. They determined the cause of the problem was a misfit joint.
		2/6/13	EH personnel repaired the alarm dialer phone jack.
		2/6/13	EH personnel replaced the sand filter discharge valves on the limit switch on the HDS bench.
D.	Stormwater Management	2/12-14/13	EH personnel operated the HDS water treatment plant.

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site
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		2/13/13	EH personnel shut down operation of the HDS WTP for effluent turbidity issues. The WTP was started the next day with reduced reagents (sodium sulfide) and at a lower flow.
E.	Documents & Records	During Period	No significant documents and records activities occurred during the reporting period.
F.	Water Rights	During Period	No significant water rights activities occurred during this reporting period.
G.	Other Property Management	2/7/13	Pam Attardo with the L&CC Historical Preservation Society inquired about acquiring the picnic table from the Manager's house. The CT informed her about the small table containing ACM; the small table is still located at the Manager's house.
H.	Other Site Operations	During Period	No significant other site operations activities occurred during this reporting period.
IV Property Use/Development			
A.	Agricultural Leases	During Period	No significant agricultural lease activities occurred during this reporting period.
B.	Community Land Uses	During Period	No significant community land use activities occurred during this reporting period.
C.	Redevelopment & Property Sale	During Period	No significant redevelopment and property sale activities occurred during this reporting period.
D.	Slag Re-Processing	2/6/13	Smith Contracting removed their front end loader from the plant site.
E.	City/County Land Transfers	During Period	No significant City/County land transfer activities occurred during this reporting period.
V. CT Operations & Financial Affairs			
A.	Personnel & Office Operations	2/7/13	CT personnel met with Payne West to discuss building and equipment values for the CT's insurance limits.
		2/11/13	The CT provided driver's license numbers to Payne West for site dedicated vehicle insurance.
B.	Financial Affairs	During Period	The CT continued to evaluate and review PO's for CH2MHill and SP4C continued development of CT project controls systems.
VI. Upcoming Activities			
		3/06/13	EHECTIC Meeting
		3/13/13	Monthly Beneficiaries Meeting

¹ See Attachment I for a list of acronyms used in the weekly progress reports.

Section 3. Describe and estimate the percentage of studies completed.

No projects or studies were completed in January 2013.

Section 4. Describe Actions being taken to address problems.

There were no actions required to address problems associated with the Decree.

Section 5. Identify changes in key personnel during the period.

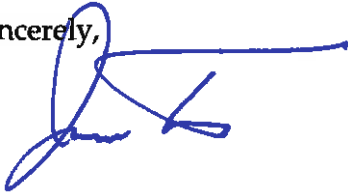
None during the reporting period.

Section 6. Describe the status of financial assurance mechanisms, including whether any changes have occurred, or are expected to occur which might affect them, and the status of efforts to bring such mechanisms back into compliance with the requirements of this Decree.

The Custodial Trust received funds for Environmental Actions earmarked for site clean-up in connection with the ASARCO bankruptcy settlement. The Custodial Trust deposited the funds in a segregated East Helena Clean-up account and is investing and managing the funds in accordance with the provisions of the Settlement Agreement. Issues related to the CAMU trust are stilling being resolved between the beneficiaries and ASARCO.

Please do not hesitate to contact me with any questions pertaining to this transmittal.

Sincerely,

A handwritten signature in blue ink, appearing to be "Jim Ford", with a long horizontal line extending to the right.

Montana Environmental Trust Group, LLC

Not individually but solely in its representative capacity as

Trustee of the Montana Environmental Custodial Trust

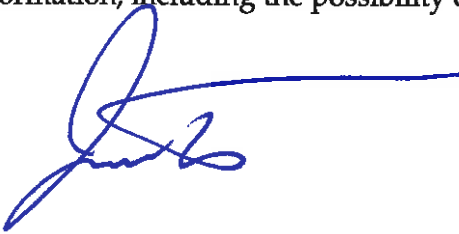
By: Greenfield Environmental Trust Group, Inc., Member

By: Jim Ford, Duly Authorized Owner Representative

cc: Denise Kirkpatrick - MDEQ
Randy Breeden - EPA 8
Chuck Figur - EPA 8

CERTIFICATION
PURSUANT TO U.S. v ASARCO INCORPORATED
(CV-98-3-H-CCL, USDC, D. Montana)

"I certify under penalty of law that this document and all attachments, were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."



Montana Environmental Trust Group, LLC
Not individually but solely in its representative capacity as
Trustee of the Montana Environmental Custodial Trust
By: Greenfield Environmental Trust Group, Inc., Member
By: Jim Ford, Duly Authorized Owner Representative

Attachment I
Montana Environmental Custodial Trust Monthly Progress Report
East Helena (EH) Site Acronyms

Acronyms	
AL	Air Liquide
BOH	Board of Health (Lewis & Clark County)
CD	Consent Decree
Chemet	American Chemet
CLOMR	Conditional Letter of Map Revision
CMS	Corrective Measures Study
CT	Custodial Trust
DMRs	Discharge Monitoring Reports
EAP	Emergency Action Plan
EH	East Helena
EPA	US Environmental Protection Agency
ET	Evapo-Transpiration
FEMA	Federal Emergency Management Agency
GW	Groundwater
HASP	Health & Safety Plan
HEC-RAS	Hydrologic Engineering Centers River Analysis System
IM	Interim Measure
LL	Lower Lake
MBMG	Montana Bureau of Mines & Geology
MDEQ	Montana Department of Environmental Quality
MDOJ	Montana Department of Justice
MDT	Montana Department of Transportation
P&S	Purchase & Sale
PPC	Prickly Pear Creek
SPHC	South Plant Hydraulic Control
UL	Upper Lake
USDOJ	US Department of Justice
USFWS	US Fish & Wildlife Service
WP	Work Plan
WQPD	Water Quality Protection District (Lewis & Clark County)